

Art Unit: ***

CLMPTO

06/09/05

DB

Claims 1-12 (Canceled)

13. (Currently Amended) An apparatus for forming a pattern by using a photomask including both a minute aperture where a main component of a transmitted light is an evanescent light and an aperture where a main component of a transmitted light is a propagating light, said apparatus comprising:

a sample stand for placing a substrate to be processed on which a photoresist with a film thickness equal to or smaller than a width of the minute aperture is formed;

a stage for placing the photomask;

a light source for generating light for exposure; and

means for controlling a distance between the substrate to be processed and the photomask.

14. (Original) The apparatus according to claim 13, wherein the photomask comprises an elastic material as a mask material.

15. (Original) The apparatus according to claim 13, wherein a width of the aperture where the main component of the transmitted light is the propagating light is smaller than a designed dimension in the photomask.